

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2732 Disciplinary Docket No. 3
: :
Petitioner : No. 74 DB 2019
: :
v. : Attorney Registration No. 28447
: :
METHUSELAH Z.O. BRADLEY, IV, : (Philadelphia)
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 10th day of August, 2020, upon consideration of the Report and Recommendations of the Disciplinary Board, Methuselah Z.O. Bradley, IV, is suspended from the Bar of this Commonwealth for a period of one year. Respondent shall comply with all the provisions of Pa.R.D.E. 217 and pay costs to the Disciplinary Board. See Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 08/10/2020


Attest:
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 74 DB 2019
Petitioner	:	
	:	
v.	:	Attorney Registration No. 28447
	:	
METHUSELAH Z.O. BRADLEY, IV	:	
Respondent	:	(Philadelphia)

REPORT AND RECOMMENDATIONS OF
THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

TO THE HONORABLE CHIEF JUSTICE AND JUSTICES
OF THE SUPREME COURT OF PENNSYLVANIA:

Pursuant to Rule 208(d)(2)(iii) of the Pennsylvania Rules of Disciplinary Enforcement, the Disciplinary Board of the Supreme Court of Pennsylvania (“Board”) herewith submits its findings and recommendations to your Honorable Court with respect to the above-captioned Petition for Discipline.

I. HISTORY OF PROCEEDINGS

By Petition for Discipline filed on April 23, 2019, Petitioner, Office of Disciplinary Counsel, charged Respondent, Methuselah Z.O. Bradley, IV, with violating the Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement based on Respondent’s criminal conviction for harassment and failure to report his conviction to Petitioner. Respondent was personally served with the Petition on April 25, 2019. Respondent filed an untimely answer to the Petition on May 20, 2019.

On August 6, 2019, the Hearing Committee Chair held a prehearing conference, after which the Chair granted permission to Respondent to file a Petition for Leave to File a Response to Petition for Discipline Nunc Pro Tunc by August 9, 2019. Respondent failed to file a Petition for Leave. By Order dated August 12, 2019, the Hearing Committee Chair denied Respondent the opportunity to file any motion requesting leave to file a response to the Petition for Discipline, and directed that the disciplinary hearing commence without a response to the Petition for Discipline.

A District I Hearing Committee (“Committee”) conducted a disciplinary hearing on September 5, 2019. Petitioner introduced exhibits ODC-1 through ODC-6, which the Committee accepted into evidence. Petitioner presented the testimony of one witness. Respondent testified on his own behalf and did not introduce any exhibits.

On October 16, 2019, Petitioner filed a post-hearing brief to the Committee and recommended that Respondent be suspended for a period of not less than six months. Respondent filed a brief on November 18, 2019, and recommended that he receive a private reprimand.

By Report filed on January 24, 2020, the Committee concluded that Respondent violated the rules as charged in the Petition for Discipline and recommended that a public reprimand be imposed.

Petitioner filed a brief on exceptions on February 10, 2020, contending that the Committee erred in recommending a public reprimand and requesting that the Board recommend to the Court that Respondent be suspended for six months.

Respondent did not file exceptions to the Committee’s Report and recommendation.

The Board adjudicated this matter at the meeting on April 22, 2020.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, PA 17106-2485, is invested pursuant to Pa.R.D.E. 207, with the power and duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings.

2. Respondent is Methuselah Z.O. Bradley, IV, born in 1950 and admitted to practice law in the Commonwealth in 1978. Respondent's attorney registration address is Bradley Law Firm, 634 E. Cheltenham Avenue, Philadelphia, PA 19144-1205. Respondent is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

3. Respondent has no history of prior discipline.

4. Respondent failed to file a timely response to the Petition for Discipline; the factual allegations contained therein are deemed admitted, pursuant to Pa.R.D.E. 208(b)(3).

5. A.M., Esquire, graduated law school in 2012 and was admitted to practice law in Pennsylvania in January 2015. N.T. 38.

6. A.M. and Respondent represented co-defendants in a drug-related criminal case that was pending in the Court of Common Pleas of Philadelphia County. ODC-3, p. 2; Petition for Discipline ("PFD") ¶¶ 5, 6.

7. The case was one of the first criminal cases A.M. had handled and she had never filed a motion to quash, so she requested Respondent's assistance with the motion to quash. ODC-3, p. 2.

8. On or before October 6, 2016, Respondent sent A.M. a copy of a motion to quash that he had filed in the case, advised A.M. that he would be happy to help her with the motion, and stated that A.M. could meet him on his boat, which was docked at the Camden Marina, at 5:30 p.m. that evening to discuss the motion. ODC-3, p. 2; PFD ¶ 7.

9. Respondent was interested in pursuing a romantic relationship with A.M. N.T. 171, 172, 190-191.

10. At approximately 6:00 p.m., A.M. met Respondent at the gate to the Camden Marina and followed him into the cabin of his boat. PFD ¶ 8.

11. Respondent then locked the cabin door and requested that A.M. give him her cell phone; A.M. did not find this to be a "red flag" since she was meeting with Respondent about a high profile drug case. ODC-3, p. 2; PFD ¶ 9.

12. Once inside the locked cabin, Respondent:

a. advised A.M. that a Philadelphia prosecutor told Respondent that the prosecutor was going to "make news by claiming Complainant [A.M.] would exchange sexual favors for drugs" and her being "a tall blonde criminal defense attorney [would be] perfect for the front page of the Inquirer." ODC-3, p. 2; PFD ¶ 10(a);

b. offered to get A.M. out of this purported scandal because he "could cash in on his powers with the prosecutor's office." ODC-3, p. 2; PFD ¶ 10(b); and

c. told A.M. he was "hierarchy in Sierra Leone," and if A.M. would give herself to him "mind, body and soul" and travel with him to Africa where they would dive into "black mud"/oil, he would make sure this

matter would never come-to-light. ODC-3, p. 2; PFD ¶ 11.

13. A.M. stood up to leave the cabin and advised Respondent that her boyfriend was with her, at which time Respondent said he did not care about A.M.'s boyfriend, stood up, grabbed A.M.'s "buttocks and [] pulled her forward and began kissing her." ODC-3, p. 2; PFD ¶ 12.

14. A.M. did not consent to be touched or kissed by Respondent. ODC-3, p. 3; PFD ¶ 13.

15. A.M. never asked Respondent to touch or kiss her, did not touch or kiss Respondent, and "believed that he was trying to rape her." ODC-3, pp. 2-3; PFD ¶ 14.

16. A.M. pulled away from Respondent, requested the return of her cell phone, had Respondent unlock the cabin door, and left Respondent's boat. ODC-3, p. 3; PFD ¶ 15.

17. As an immediate result of Respondent's conduct, A.M. was "angry," "upset," "scared," and "petrified." N.T. 54-55.

18. A.M. testified that she was:

a. "angry that someone that I believed was trying to help me took the position of making me a victim" (N.T. 54);

b. felt betrayed because she was "28 years old," "had no reason to not trust another lawyer," and had "looked to older members of the bar for trust" (N.T. 54-55);

c. "scared what [Respondent's] statement of power that he did have could affect me in the future. I was scared of the connections he had in the City of Philadelphia" (N.T. 55);

d. considering quitting the legal profession (N.T. 56); and

e. “overwhelmed by this entire situation.” *Id.*

19. On October 11, 2016, A.M. filed a criminal complaint with New Jersey law enforcement authorities accusing Respondent of using physical force and coercion to grab her buttocks and kiss her on October 6, 2016. N.T. 40; ODC-2; ODC-3, p. 2.

20. In October 2016, A.M. filed a disciplinary complaint with Petitioner. N.T. 40-41, 125.

21. In A.M.’s complaint to Petitioner, A.M. stated that she “reached out to the bar for help” because Respondent “used a position of power to intimidate me, sexually harass me, sexually assault me, and intentionally cause a state of emotional distress.” N.T. 54.

22. By letter dated January 18, 2017, the Office of the Prosecutor, Camden County, NJ, returned a Complaint charging Respondent with harassment by offensive touching or threat in violation of N.J.S.A. 2C:33-4(b), a petty disorderly persons offense.

23. A person violates N.J.S.A. 2C:33-4(b), “if, with purpose to harass another, he: ...[s]ubjects another to striking, kicking, shoving, or other offensive touching, or threatens to do so.” ODC-4.

24. On June 1, 2017, November 17, 2017, and May 18, 2018, Respondent stood trial in Camden County Municipal Court in the case of ***State of New Jersey v. Methuselah Z. Bradley, IV***, Complaint No. S 2016 6068. ODC-3, pp. 1-3.

25. By Decision dated June 27, 2018, the Honorable Christine T.J. Tucker, Chief Judge, found that:

- a. A.M.'s testimony was consistent and credible (ODC-3, pp. 7-8);
- b. Respondent gave inconsistent testimony (ODC-3, p. 7);
- c. Respondent's credibility was "questionable" (ODC-3, p. 7); and
- d. it was "clear beyond a reasonable doubt that [Respondent's] telling Complainant she was a target of the Philadelphia prosecutor's office drug investigation, that her reputation was in shambles and her licenses threatened was with a purpose to harass Complainant as he grabbed her buttocks and kissed her." ODC-3, p. 7.

26. Chief Judge Tucker concluded that:

- a. Respondent's "grabbing Complainant's buttocks and kissing her, independently, constitutes a purpose to harass (citation omitted)" (ODC-3 at p. 7); and
- b. Respondent was guilty of Harassment, N.J.S.A. 2C:33-4(b). ODC-3 at p. 8.

27. The maximum penalty for Harassment, N.J.S.A. 2C:33-4(b), is 30 days of imprisonment and a fine of \$500. ODC-5.

28. Conviction of a "crime," which is defined in Pa.R.D.E. 214(h) as "an offense that is punishable by imprisonment in the jurisdiction of conviction, whether or not a sentence of imprisonment is actually imposed," is a *per se* basis for discipline under Pa.R.D.E. 214(e) and Pa.R.D.E. 203(b)(1). ODC-6.

29. On June 27, 2018, Judge Tucker sentenced Respondent as follows (PFD ¶ 24):

- a. \$100 fine; and
- b. fees and court costs totaling \$158.

30. Respondent failed to report his New Jersey harassment conviction to ODC within twenty days of the conviction as required by Pa.R.D.E. 214(a). PFD ¶25; N.T. 34.

31. Respondent did not file an appeal from his harassment conviction to the Superior Court of New Jersey. PFD ¶ 26; N.T. 34.

32. Respondent testified that he did not appeal from his harassment conviction because “[i]t was a hundred” dollars. N.T. 33, 159.

33. Respondent’s harassment of A.M. on the boat and the subsequent lengthy trial of the matter has had a negative impact on A.M.’s personal and professional life, including A.M.’s:

- a. being afraid of being alone in Philadelphia and “running into” Respondent (N.T. 57);
- b. not coming into Philadelphia or practicing law in Pennsylvania (N.T. 60);
- c. giving up her house in Philadelphia and moving back to New Jersey (N.T. 57);
- d. seeking professional counseling so that she would not be fearful of being alone in a room with older male attorneys (N.T. 55-56.); and
- e. suffering anxiety by testifying at the disciplinary hearing and having to see Respondent. N.T. 59 -60.

34. A.M.’s testimony is credible.

35. Respondent testified on his own behalf. His testimony was inconsistent as to his actions on the boat.

- a. In reference to what occurred with A.M., Respondent testified “Clearly, I messed up with this” and stated he should not have let A.M. on his boat. N.T. 168, 169, 170.

b. Respondent testified that he had not invited A.M. to his boat and was surprised she was there. N.T. 183.

c. Respondent at times stated that he kissed A.M., but then said she initiated the kissing. N.T. 164, 168, 170, 171, 172, 186-187.

36. Respondent expressed embarrassment and testified that he felt he had been punished enough by his experience. N.T. 178.

37. Respondent failed to express sincere remorse for the harm his wrongdoing inflicted on A.M. N.T. 157, 177-179, 201, 203.

38. Respondent failed to apologize to A.M., even though he was given ample opportunity at the disciplinary hearing. N.T.177-179.

39. Respondent failed to take personal responsibility for his failure to report his conviction to Petitioner, blaming his attorney for wrongly advising Respondent that his conviction was "like a traffic ticket" or "like a parking ticket." N.T. 33, 164, 174-175, 176.

III. CONCLUSIONS OF LAW

By his actions as set forth above, Respondent violated the following Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement:

1. RPC 8.4(b) – It is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects.

2. Pa.R.D.E. 203(b)(1) – Conviction of a crime shall be grounds for discipline.

3. Pa.R.D.E. 203(b)(3) – Willful violation of any other provision of the Enforcement Rules shall be grounds for discipline, *via* Pa.R.D.E. 214(a), which states that an attorney convicted of a crime shall report the fact of such conviction within 20 days to the Office of Disciplinary Counsel. The responsibility of the attorney to make such report shall not be abated because the conviction is under appeal or the clerk of court has transmitted a certificate to Disciplinary Counsel pursuant to subdivision (b).

IV. DISCUSSION

In this matter, the Board considers the Committee’s recommendation to administer a public reprimand to Respondent for his conviction of harassment and his failure to report the conviction to the Disciplinary Board. The Committee found that Respondent violated Rule of Professional Conduct 8.4(b) and Pennsylvania Rules of Disciplinary Enforcement 203(b)(1) and 203(b)(3) and concluded that a public reprimand is the appropriate sanction for Respondent’s “unfortunate” underlying actions and his “serious omission” in failing to report his conviction. Hearing Committee Rpt. 1/24/2020,

p. 13. Petitioner filed exceptions to the Committee's Report and recommendation, contending that application of case precedent and consideration of the aggravating factors warrant a six month suspension. Upon this record, we find that Petitioner's exceptions are well-founded that discipline more severe than a public reprimand is warranted. For the reasons set forth below, we recommend that Respondent be suspended for a period of one year.

The records of Respondent's conviction of harassment in the matter of ***State of New Jersey v. Methuselah Z. Bradley, IV***, Complaint No. S 2016 6068 (ODC-3), constitute conclusive evidence of Respondent's commission of a crime and incontrovertible evidence of his professional misconduct. ***Office of Disciplinary Counsel v. Harold E. Casety, Jr.***, 512 A.2d 607, 609 (Pa. 1986). Based on this conviction, Petitioner filed a Petition for Discipline. Respondent failed to respond to the Petition for Discipline; the factual allegations contained therein are deemed admitted, pursuant to Rule 208(b)(3), Pa.R.D.E. These admissions, Petitioner's exhibits, and the reasonable inferences from all the foregoing, demonstrate that Petitioner met its burden of proving by clear and satisfactory evidence, that Respondent was convicted of a crime and failed to report his conviction, in violation of the charged Rule of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement. ***Office of Disciplinary Counsel v. John Grigsby***, 425 A.2d 730, 732 (Pa. 1981).

The Board's task is to determine the appropriate level of discipline, bearing in mind that the recommended discipline must reflect facts and circumstances unique to the case, including circumstances that are aggravating or mitigating. ***Office of Disciplinary Counsel v. Joshua Eilberg***, 441 A.2d 1193, 1195 (Pa. 1982). The Board must also "examine the underlying facts involved in the criminal charge to weigh the

impact of the conviction upon the measure of discipline.” *Office of Disciplinary Counsel v. Frank Troback*, 383 A.2d 952, 953 (Pa. 1978). Despite the fact-intensive nature of the endeavor, consistency is required so that similar misconduct “is not punished in radically different ways.” *Office of Disciplinary Counsel v. Robert S. Lucarini*, 472 A.2d 186, 190 (Pa. 1983).

The circumstances of Respondent’s criminal activity concern his contact with A.M., Esquire, who requested Respondent’s legal advice concerning a motion to quash in a matter in which Respondent and A.M. represented co-defendants. The record establishes that Respondent, who was approximately 66 years of age at the time of the misconduct and a member of the bar for thirty-eight years, told A.M., who was 28 years of age and had been practicing law for less than two years, that he could help her with the motion and arranged for her to meet him at his boat in Camden, New Jersey. Unbeknownst to A.M., Respondent harbored romantic intentions towards her, which he hoped to act upon at the boat. A.M. appeared at the appointed time and followed Respondent onto his boat. Respondent and A.M. were alone on the boat. Respondent locked the cabin door and requested A.M.’s cell phone, which she gave to him. Respondent proceeded to make statements to A.M. that made her feel uncomfortable, causing her to stand up to leave. At that point, Respondent, without A.M.’s consent, grabbed A.M.’s “buttocks and [] pulled her forward and began kissing her.” PFD ¶ 12. A.M. did not reciprocate and left the boat as quickly as she could. Respondent’s offensive touching of A.M. prompted her to file a criminal complaint in New Jersey and a disciplinary complaint in Pennsylvania.

A.M. credibly testified at the disciplinary hearing. The record establishes that A.M. “believed that [Respondent] was trying to rape her.” PFD ¶ 14. As an immediate

result of Respondent's harassment, A.M. was "angry," "upset," "scared," and "petrified." N.T. 54-55. A.M. suffered longer-term consequences of Respondent's criminal conduct against her, including her anger at becoming the victim of a colleague she trusted; the need for therapy; and emotional distress preparing for and testifying at Respondent's criminal trial, which lasted for three days over the course of more than one year, and at the instant disciplinary hearing.

Respondent testified on his own behalf. While he admitted that he "messed up" and should never have let A.M. on his boat, he appeared to walk back his responsibility in the matter, as he provided inconsistent statements concerning whether he had actually invited A.M. to his boat and whether he had initiated kissing and touching A.M. Respondent later admitted that he had amorous intentions towards A.M. Respondent admitted that he did not report his conviction to Petitioner, and appeared dismissive of the seriousness of his conviction by likening it to a traffic ticket or parking ticket.

During his testimony, Respondent professed to be a good person and expressed sorrow and embarrassment for what he personally had suffered, testifying that he believed he had been "punished enough" by his experience. N.T. 178. At no time did Respondent show any recognition that his victim had also suffered as a result of Respondent's offensive touching, nor did he demonstrate that he was apologetic for his actions until the Committee directly probed the issue. Respondent's overall attitude displayed a lack of understanding as to the seriousness of both the underlying conviction and his responsibilities as a member of the bar to report the conviction.

An examination of precedent reveals that attorneys who engaged in conduct most similar to Respondent's conduct have received discipline ranging from a private

reprimand to a five year suspension. In determining the appropriate discipline, the Board in those matters considered various factors, such as whether the attorney's misconduct resulted in a criminal conviction; whether the victim was a client or an otherwise vulnerable person; the impact on the integrity of the legal profession; and mitigating factors, including the attorney's reputation in the community, recognition of wrongdoing, and expression of remorse.

In re Anonymous No. 116 DB 93, 31 Pa. D.&C.4th 199 (1995), the first reported case in Pennsylvania involving a respondent-attorney's offensive touching of another, remains the only case where an attorney received private discipline for such misconduct. In that case, the victim went to the law office of the attorney, who was representing the victim's son in a summary traffic offense. While at the law office, the attorney held the victim tightly and placed his tongue in the victim's mouth, all without the victim's consent. Then, when the victim was in the attorney's car, the attorney placed his hand across the victim's breast and suggested that they do, "fun dirty things." *Id.* at p. 202. The day following the assault, the attorney apologized to the victim and her husband, withdrew from the case, and returned his client's file. The victim did not file criminal charges. Upon consideration of credible testimony of Respondent's good character and how similar matters had been handled by other jurisdictions, the Board imposed a private reprimand.

The Supreme Court has imposed substantial public discipline where the attorney's improper touching results in a criminal conviction.

In ***Office of Disciplinary Counsel v. Richard A. Behrens***, No. 198 DB 2009 (D. Bd. Rpt. 12/2/2011) (S. Ct. Order 4/24/2012), Behrens attended a baseball game with his 18-year-old niece. While driving his niece home, Behrens pulled the car off the

road, put his arms around his niece, placed his hand under his niece's shirt and bra, and felt her breast. Behrens entered a *nolo* plea to indecent assault charges, and was sentenced to two years of probation with conditions. In determining the appropriate discipline for Behrens's misconduct, the Board recognized that this "is a difficult matter, as [Behrens's] actions do not involve clients, he self-reported his conviction, and he showed sincere remorse." *Id.* at p. 8. Yet the Board also recognized that Behrens's "serious misconduct" was "against an 18 year old female relative" and he had engaged in a similar incident in the past.¹ *Id.* Based on the "totality of the record" and "disposition of prior similar matters" the Board recommended a suspension of one year and one day, as it "appropriately addresses the serious nature of [Behrens's] actions and recognizes that such misconduct will not be tolerated by the attorney discipline system." *Id.* at p. 8.

The Supreme Court has imposed even greater public discipline where the victim of the attorney's assault was a client. In ***Office of Disciplinary Counsel v. Anthony L.V. Picciotti***, No. 77 DB 1997, 49 Pa. D.&C.4th 119 (2000), Picciotti fondled his client's breast, placed his client's hand on his genital area, and attempted to kiss his client, all without his client's permission. Picciotti was convicted of indecent assault in a non-jury trial and received a sentence of two years of probation, prompting the Board to declare, "Certainly, a criminal conviction of indecent assault on a client must be considered with the utmost gravity." *Id.* at p. 127. Finding that Picciotti's conduct "reflects adversely on [his] character and fitness to practice law" (*id.*), the Board recommended and the Supreme Court imposed a three year suspension retroactive to Picciotti's temporary suspension.² ***Accord Office of Disciplinary Counsel v. Thomas James***

¹ Behrens had no disciplinary record related to the prior matter.

² See also ***Office of Disciplinary Counsel v. Thomas C. Gordon***, No. 127 DB 1994 (D. Bd. Rpt. 4/6/1998) (S. Ct. Order 6/2/1998)(Supreme Court suspended Gordon for five years following his conviction

Bonavita, No. 189 DB 2004 (S. Ct. Order 12/16/2006) (Bonavita received a three-year suspension on consent following his conviction for having indecent contact with a client while meeting with the victim for the purpose of providing her with legal assistance and advice).

Recently, the Board ordered that a public reprimand be imposed on Timothy J. McMahon, who while sitting at a public bar during the Dauphin County Bench-Bar conference, became intoxicated and in plain view of other conference members, “touched two of the female attorneys on sensitive areas of their bodies,” “began similar behavior toward a third female attorney at the bar,” turned “belligerent” after the bartender denied him an additional alcoholic beverage, and had to be escorted back to his room by four security staff members. **Office of Disciplinary Counsel v. Timothy J. McMahon**, No. 159 DB 2019 (D. Bd. Order 10/2/2019).³ McMahon cooperated with Office of Disciplinary Counsel and consented to the discipline. The discipline imposed on McMahon may be distinguished on several points from the instant matter and from the above-cited matters involving non-consensual sexual contact, in that McMahon engaged in offensive touching in a public place; was not in a position of power over any of the victims; expressed sincere remorse for his actions; and expressed recognition of his violations of the Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement by consenting to discipline.

of three counts of indecent assault, which involved Respondent’s offensive touching of one client, the wife of another client, and the fiancée of yet another client).

³ McMahon pled guilty to Disorderly Conduct-Engaging in Fighting, 18 Pa.C.S.A. § 5503(a)(1) (Third Degree Misdemeanor) and Harassment, 18 Pa.C.S.A. § 2709(a)(3)(Summary Offense), for which he was sentenced to a total term of probation of one year plus 90 days, a total fine of \$1,300, and payment of fees and costs, and ordered to undergo drug, alcohol, and sex offender evaluations.

A.M. was not Respondent's client, as were the victims in the *Picciotti* and *Bonavita* matters, but she was a fellow member of the bar, as in *McMahon*. However, unlike *McMahon*, the offensive touching at the heart of the instant matter did not occur at a social public outing, but at a private, one-on-one encounter facilitated by Respondent. Similar to the setting of Behrens's offensive touching, Respondent's offensive touching of A.M. occurred in a confined space of which Respondent had total control, as he had locked the cabin door. A.M. accepted Respondent's invitation to his boat because she considered Respondent to be an experienced colleague whom she, an inexperienced criminal law practitioner, trusted for legal advice. Instead, A.M. became the victim of Respondent's crime. Respondent's offensive touching and abuse of A.M.'s trust prompted A.M. to press criminal charges, file a disciplinary complaint, and seek professional treatment for anxiety resulting from Respondent's conduct.

Unlike *Behrens*, there is no evidence that Respondent previously had engaged in similar harassment. Respondent has practiced law in Pennsylvania since 1978 and has no record of discipline, similar to all of the respondent-attorneys in the above cited cases. This is the sole mitigating factor. Respondent did not present any other mitigating evidence, such as letters from fellow bar members or support from members of the community, which the Board found to be weighty in mitigating the discipline imposed in *Behrens* and *In re Anonymous No. 116 DB 93*. Moreover, in contrast to Behrens and McMahon, Respondent failed to exhibit sincere remorse. In contrast to the attorney in *In re Anonymous No. 116 DB 93* as well, Respondent never apologized to his victim. Respondent's lack of remorse and failure to grasp the seriousness of his misconduct and accept full responsibility for his actions constitute aggravating factors that demonstrate the need for discipline more severe than a public reprimand.

The goals of the attorney disciplinary are to protect the public from unfit attorneys, maintain the integrity of the Bar, and uphold respect for the legal system. ***Office of Disciplinary Counsel v. John Keller***, 506 A.2d 872, 875 (Pa. 1986). Pennsylvania's system of discipline also serves to deter attorney misconduct. ***In re Dennis Iulo***, 766 A.2d 335, 340 (Pa. 2001).

The salient facts of this matter demonstrate that Respondent used his experience in the law to lure A.M. onto his boat where he engaged in intentional, nonconsensual offensive touching of A.M. We find the Committee's description of Respondent's crime as "unfortunate" to be completely inapt. While Respondent may view his conviction as an unfortunate event in his life, clearly the victim views Respondent's criminal conduct as a traumatic event that caused her to experience personal and professional difficulties.

The gravity of Respondent's conduct, which reflects adversely on his character and fitness to practice law, cannot sufficiently be addressed by a public reprimand, nor do we find that a six month suspension will adequately fulfill the goals of the disciplinary system and promote deterrence. Upon this record, we conclude that a one year suspension is appropriate and consistent with the decisional law. This sanction accounts for the serious aggravating factors present in this matter, while recognizing that Respondent is a long-time practitioner who has no record of discipline. A one year period of suspension will make clear to the bar that intentional nonconsensual touching of another, in this case a fellow member of the bar, will not be tolerated.

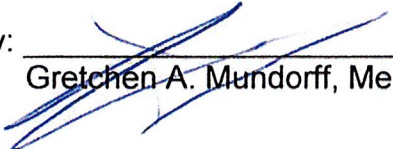
V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania recommends that the Respondent, Methuselah Z.O. Bradley, IV, be Suspended for one year from the practice of law in this Commonwealth.

It is further recommended that the expenses incurred in the investigation and prosecution of this matter are to be paid by the Respondent.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: 
Gretchen A. Mundorff, Member

Date: 6/16/20

Member Goodrich concurs with a suspension to address the misconduct, but dissents in favor of a six month suspension, as recommended by Petitioner.